

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Before the Board of Patent Appeals and Interferences


In re the Application

Inventor : **Ramaswamy, M.**
Application No. : **10/029,097**
Filed : **December 12, 2001**
For : **A METHOD AND APPARATUS FOR PROVIDING A
REMINDER MESSAGE TO DISPLAY**

APPEAL BRIEF

On Appeal from Group Art Unit 2623

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I. REAL PARTY IN INTEREST

The real party in interest is the assignee of the present application, Koninklijke Philips Electronics N.V., and not the party named in the above caption.

II. RELATED APPEALS AND INTERFERENCES

With regard to identifying by number and filing date all other appeals or interferences known to Appellant which will directly effect or be directly affected by or have a bearing on the Board's decision in this appeal, Appellant is not aware of any such appeals or interferences.

III. STATUS OF CLAIMS

Claims 1-24 have been presented for examination. All of these claims are pending, stand finally rejected, and form the subject matter of the present appeal.

IV. STATUS OF AMENDMENTS

The Advisory Action, dated December 5, 2006, fails to indicate whether the amendments made to the claims in response to the rejection of the claims in the Final Office Action were entered into record. However, as the amendments made to the claims were made to correct grammatical errors, it accordingly is assumed that the amendments made to the claims have been entered for the purpose of this Appeal and the remarks made herein reflect this assumption.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The instant application recites in independent claim 1, an apparatus, and in independent claim 12, a method, for providing a reminder message comprising reminder information and a time, and determining a reminder message time based on the content of the reminder information and the time, and processor(s) for retrieving the reminder message at the determined time and presenting the reminder message.

The remaining claims depend from the independent claims and recite additional aspects of the invention claimed.

Claim 1 recites an apparatus including a handheld device (item 102, Fig. 1) that provides for entering a reminder message that includes reminder information and a time, and determines a reminder message time based on the content of the provided reminder information from the entered time (see page 9, lines 1-4), a transmitter for transmitting the reminder message (see page 5, lines 3-4; item 108, Fig. 1) and processor(s) for retrieving the reminder message at the determined time (see page 9, lines 21-24; item 514, Fig.5) and presenting the reminder on a display (page 6, lines 13-15). A description of the handheld device is illustrated in Figure 2, for example, (see page 5, line 20 - page 6, line 7).

Independent claim 12 recites a method for displaying a reminder message on a display determined upon the content of the message information by entering a reminder message on a handheld device, the reminder message comprising reminder information and a time (step 504, Fig. 5), determining an appropriate reminder message display time based on the content of the reminder information from the entered time (step

506, Fig. 5), wirelessly transmitting a signal corresponding to the reminder message, retrieving reminder messages at the time determined for display of the reminder information (step 510, Fig. 5), processing the reminder message to generate a display signal for each retrieved reminder message, the display signal capable of causing the reminder information to be displayed on a display (step 516, Fig. 6), and displaying the information corresponding to a retrieved reminder message on a display so that it is superimposed on at least a portion of the audio/video signal presented on the display at the time determined for display of the reminder information.

VI. GROUNDS FOR REJECTION TO BE REVIEWED ON APPEAL

The grounds of rejection to be reviewed on appeal are whether:

1. Claims 1-3, 5-14 and 16-24 are unpatentable under 35 USC 103(a) over Nemoto (USP no. 5,214,622) in view of Lawler (USP no. 5,699,107); and
2. Claims 4 and 15 are unpatentable under 35 USC 103(a) over Nemoto in view of Lawler and further in view of Allen (USP no. 6,2159,891).

VII. ARGUMENT

1. 35 USC §103 Rejection of claims 1-3, 5-14 and 16-24

The rejection of claims 1-3, 5-14 and 16-24 is in error because the references fail to show a limitation cited in the independent claims and the claims depending therefrom.

Nemoto discloses an information display apparatus which accumulates arbitrary information inputted to a television receiver from the outside, superimposes the

information in a memory on an ordinary video signal and displays the superimposed image on a television display in accordance with a calendar time built in the television receiver. The arbitrary information inputted from the outside can be displayed on a television display at a previously appointed date. (see Abstract). Nemoto further discloses that the displayed message can be displayed for a predetermined time, continuously, intermittently or displayed every time a remote control manipulation is performed. (see col. 5, lines 26-41).

Lawler discloses a program reminder system to remind a user of an interactive viewing system when a pre-selected program is available. The interactive viewing system includes at last one program guide that allows user selection of a program for which a reminder is to be set. When a reminder has been set, the system displays a reminder panel shortly before the selected program becomes available. The reminder panel identifies the selected program, informs the user that it will shortly be available, and allows the user to turn to the appropriate channel for viewing the selected program. (see Abstract).

Lawler further discloses in Fig. 9, which is referred to in the Final Office Action, that the reminder is concurrently displayed on a screen, where the reminder information includes the name of a program, i.e., Star Trek, the channel, i.e., 11, WPIX and the time, i.e., 11PM. Lawler more fully describes Figure 9 in col. 12, lines 44-64. A reading of this section fails to show that Lawler determines a message display time based on the content of the reminder information. Rather, Lawler discloses that the reminder may be displayed twice; once five minutes before the selected program time

and the second time five seconds before the selected program time. (see col. 12, lines 44-64).

Lawler further discloses that the display of a reminder message can be associated with a tag and that the tag "is associated with a particular program and a particular viewer station or user. (see col. 12, lines 1-3). Lawler discloses that "there are two types of reminder tags, one associated with a particular program that is set in response to activation of the "This Show" button. This type of tag is automatically removed once the time of the reminder has past. Another type of reminder is associated with a particular daily or weekly channel and time slot. This type of reminder is set in response to activation of the "Every Day" button ... This type of reminder will remain set until removed by a user ..." (see col. 12, lines 3-13). Lawler further discloses that the user sets the reminder tag based on the user's selection of one or the other button. (see col. 11, lines 40-66).

The Advisory Action refers to the "reminder message information [being] the program title and on what channel it appears" (see AA, page 2, lines 8-9). However, contrary to the statements made in the Advisory Action, Lawler is silent with regard to setting the remainder display time based on the content of the reminder information. Rather, Lawler describes setting a reminder time of a repeating show based on the time slot and channel of the show (i.e., Star Trek, channel 11, 11PM). Lawler fails to use the title (assuming that the title is to be considered content) to determine when to provide the reminder message.

In order to establish a *prima facie* case of obviousness, three basic criteria must be met;

1. there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine the reference teachings;
2. there must be a reasonable expectation of success; and
3. the prior art reference must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Neither Nemoto nor Lawler, individually or in combination, teach or suggest all the elements recited in the above referred-to independent claims. Hence, even if the teachings of Nemoto and Lawler were combined, the combined device would not include all the elements recited in the claims.

For at least this reason, applicant respectfully submits that a *prima facie* case of obviousness has not been set forth with regard to the subject matter recited in claim 1 as the combination of the cited references fails to teach or suggest all the claim limitations recited.

With regard to claim 12, this claim recites subject matter similar to that recited in claim 1 and hence, the remarks made with regard to claim 1 are applicable to the rejection of claim 12 and are reasserted as if in full, in response to the rejection of claim 12.

With regard to the remaining dependent claims, these claims depend from the independent claims and are allowable at least for their dependence upon allowable base claims, without even contemplating the merits of the dependent claims, as held by *In*

re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) (if an independent claim is non-obvious under 35 U.S.C. §103(a), then any claim depending therefrom is non-obvious). For the remarks made above, applicant respectfully requests that this Honorable Board reverse the rejection of the aforementioned claims.

2. 35 USC §103 Rejection of claims 4 and 15

The rejection of claims 4 and 15 is in error because the combination of the references fails to show a limitation cited in the independent claims from which claims 4 and 15 depend.

Claims 4 and 15 depend from the independent claims, which include subject matter not disclosed by the combination of cited references. Allen fails to disclose the subject matter found not to exist in the combination of the cited reference. Hence, Claims 4 and 15 are not rendered obvious by the cited references as the combination of the cited references fails to disclose a material element claimed.

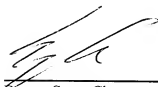
Applicant further submits that claims 4 and 15 are allowable at least for their dependence upon an allowable base claim, without even contemplating the merits of the dependent claim for the reasons held in *In re Fine*, 837 F.2d 1071, 5 USPQ 2d 1596 (Fed. Cir. 1988) (if an independent claim is non-obvious under 35 U.S.C. §103(a), then any claim depending therefrom is non-obvious).

In view of the above, applicant submits that the above referred-to claims are patentable over the teachings of the cited references and respectfully requests that this Honorable Board reverse the rejection of the claims.

VIII. CONCLUSION

In view of the above analysis, it is respectfully submitted that the referenced teachings, whether taken in combination fail render obvious the subject matter of any of the present claims. Therefore, reversal of all outstanding grounds of rejection is respectfully solicited.

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IX. CLAIMS APPENDIX

The claims which are the subject matter of this Appeal are as follows;

1. (Previously presented) An apparatus for providing a reminder message to a display comprising:

 a handheld device comprising:

 an input device for:

 entering a reminder message, the reminder message comprising reminder information and a time; and

 determining a reminder message time based on the content of the reminder information from the entered time; and

 a transmitter for wirelessly transmitting a signal corresponding to the reminder message;

 a memory device for storing reminder messages;

 a first data processor operatively connected to said memory device for retrieving reminder messages from said memory device substantially at the time determined for display of the reminder information and for processing the reminder message to generate a display signal for each retrieved reminder message, the display signal being capable to cause a message corresponding to the respective reminder message to be displayed on a display;

 a second processor suitable for receiving an audio/video signal and for processing the received audio/video signal for presentation on a television display, and for receiving the display signal from said first data processor and for causing the reminder information to be displayed on the television display so that it is superimposed on at least a portion of the audio/video signal presented on the television display at the message time determined for display of the reminder information.

2. (Original) The apparatus of claim 1, wherein said memory device for storing reminder messages and said first data processor reside in said handheld device.

3. (Original) The apparatus of claim 1, wherein said memory device for storing reminder messages resides in a set top box.

4. (Original) The apparatus of claim 1, wherein the message corresponding to a retrieved reminder message is transmitted to and displayed on the television display as text in a closed caption message.

5. (Original) The apparatus of claim 1, wherein the handheld device comprises a keyboard for entering alpha/numeric data.

6. (Previously presented) The apparatus of claim 1, further comprising:
means for allowing stored reminder messages to be displayed on a display for editing of the reminder messages.

7. (Previously presented) The apparatus of claim 5, further comprising:
means for allowing stored reminder messages to be displayed on a display for editing of the reminder messages.

8. (Previously presented) The apparatus of claim 7, wherein said handheld device further comprises:

a display, and

means for allowing a user to view the alpha/numeric data as the user enters it with said keyboard.

9. (Original) The apparatus of claim 8, wherein stored reminder messages are capable of being displayed on said display of said handheld device for editing of the reminder messages.

10. (Original) The apparatus of claim 6, wherein stored reminder messages are capable of being displayed on the television display for editing of the reminder messages.

11. (Previously presented) The apparatus of claim 1, wherein reminder information comprises text and an image.

12. (Previously presented) A method for providing a reminder message to a display comprising:

- entering a reminder message on a handheld device, the reminder message comprising reminder information and a time;

- determining an appropriate reminder message display time based on the content of the reminder information from the entered time that the reminder information is to be displayed to a user;

 - wirelessly transmitting a signal corresponding to the reminder message;

 - storing reminder messages in a memory device;

 - receiving the transmitted signal corresponding to the reminder message;

- retrieving reminder messages from said memory device at the time determined for display of the reminder information;

- processing the reminder message to generate a display signal for each retrieved reminder message, the display signal capable of causing the reminder information to be displayed on a display;

 - receiving an audio/video signal;

- processing the received audio/video signal for presentation on a television display;

 - receiving the display signal;

- displaying the information corresponding to a retrieved reminder message on the television display so that it is superimposed on at least a portion of the audio/video signal presented on the television display at the time determined for display of the reminder information.

13. (Original) The method of claim 12, wherein reminder messages are stored in a memory device in said handheld device.

14. (Original) The method of claim 12, wherein reminder messages are stored in a memory device in a set top box.

15. (Previously presented) The method of claim 12, wherein the message corresponding to a retrieved reminder information is transmitted to and displayed on the television display as text in a closed caption message.

16. (Original) The method of claim 12, wherein stored reminder messages are capable of being displayed on a display for editing of the reminder messages.

17. (Original) The method of claim 12, wherein stored reminder messages are capable of being displayed on a display of the handheld device upon entry of the reminder messages.

18. (Original) The method of claim 12, wherein stored reminder messages are capable of being displayed for editing of the reminder messages on a display of the handheld device.

19. (Original) The method of claim 12, wherein stored reminder messages are capable of being displayed on the television display for editing of the reminder messages.

20. (Previously presented) The method of claim 12, wherein the reminder information comprises text and an image.

21. (Original) The apparatus of claim 1, further comprising:
a countdown timer for generating the display signal at predetermined intervals after the reminder display time

22. (Original) The apparatus of claim 21, further comprising:
means for repeating the generation of the display signal periodically at a known rate.

23. (Original) The method of claim 12, further comprising the step of:
generating the display signal at predetermined intervals after the reminder display
time.

24. (Original) The method of claim 23, further comprising the step of:
generating the display signal periodically for a known rate.

X. EVIDENCE APPENDIX

No supplemental evidence was provided by applicant that was entered into the record during the prosecution of this matter.

XI. RELATED PROCEEDING APPENDIX

No related proceedings are pending and, hence, no information regarding same is available.